EXPLANATION OF

40

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والصلاة والسلام على أشرف الأنبياء والمرسلين، سيدنا ونبينا محمد،

وعلى آله وصحبه أجمعين، اما بعد:

RECAP

We are continuing with the topic of the causes of Ghusl. The author, رحمه الله تعالى said:

وَفِي الطَّهَارَةِ الْكُبْرَىٰ سِتَّةٌ

There are six nullifiers for major impurity.

That's according to the author, of course.

1. The first one is;

الْمَنِيُّ الدَّافِقُ بِلَذَّةٍ

The discharge of sperm with strength, desire, and lust.

2. The second one that we went over is;

وَالْتِقَاءُ الْخِتَانَيْنِ

Intercourse.

3. The third cause of Ghusl that he mentioned is;

وَإِسْلَام الْكَافِرِ

When one becomes a Muslim.

And that's what we covered in the last class.

We said that it is not a cause of Ghusl, in the correct of the opinions, because there is no clear, explicit, authentic proof that the Messenger ﷺ ordered any kafir who reverted to Islam to go make Ghusl due to him becoming a Muslim. There isn't any clear, authentic, explicit. proof on that as we have shown.

THE FORTH CAUSE OF GHUSL: (وَالْحَيْضُ) MENSTRUATION

The fourth cause of Ghusl that we'll start on today is;

وَالْحَيْضُ

Menstruation.

THE DIFFICULTY OF THIS TOPIC

The Fiqh of menstruation for women is a very deep topic. It's a topic like an ocean with no shore to it.

- Muhammad ibn Ibrāhim حمه الله تعالى related that Imām Ahmad حمه الله تعالى spent nine years learning the Fiqh of Hayd until he finally understood it.
- Ibn Taymiyyah رحمه الله تعالى said "*The section of Hayd is among the most difficult topics in the chapter of Tahārah*."

- Our Shaykh Hammād al-Ansāri حمه الله تعالى said, "*I studied the section of Hayd under many Mashaykh and according to all four of the Madhāhib.* And *I still find it a difficult subject, and I still get confused when I'm asked about it."*
- An Nawawī رحمه الله تعالى in Al Majmoo' said; "*the chapter of Hayd is a deep chapter where many giants made mistakes in it because of its sensitive Masā'il."* And he said, "*that is why the Ulamā gave it extra special attention and they specialized it in independent books."* An Nawawī رحمه الله تعالى also said, "*it is very rare to see matters pertaining to the topic of Hayd answered correctly and it is only correctly addressed by few clever proficient ones who mastered this topic and specialized in it."*

There are many independent books that were written on this topic itself. Like *Kitāb Ahkāmil Mutahayyirah Fil Hayd* by Ad Dārimi and many others. Since we get many questions on this topic, I plan, إن شاء الله, if Allah سبحانه وتعالى gives us life and time, to do an independent short series on it إن شاء الله.

DOES HAYD REQUIRE GHUSL?

The bad news is that it is a very difficult topic. The good news is right now we're following the structure and outline of this book, and in this section right now we're only addressing one of the easiest Masā'il that pertain to Hayd. It's not even a disputed one.

It is the issue of whether Hayd requires Ghusl or not. That is one of the easiest Masā'il with no dispute on it. Menstruation (الحيض) is a clear cause of Ghusl by Ijmā' with no dispute. And there is proof on that from the Quran and from the Sunnah and from the Ijmā'.

PROOF FROM THE QURAN

Allah سبحانه وتعالى said;

وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ ۖ قُلْ هُوَ أَذًى فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ ۖ وَلَا تَقْرَبُوهُنَّ حَتَّىٰ يَطْهُرْنَ ۖ

فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ ۚ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ

Allah سبحانه وتعالى said, keep away from them and don't have intercourse with your wives until they're purified from their monthly cycles.

وَلَا تَقْرَبُوهُنَّ حَتَّىٰ يَطْهُرْنَ

يَطْهُرْنَ pronounced slightly without Tashdīd here, is purification that is not under one's control, which is the ending of the menstrual bleeding. That is beyond one's control. That's يَطْهُرْنَ. The next part of the verse says;

فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ

تَطَهَّرْنَ with a Tashdīd is when they purify themselves. This purification here, (تَطَهَّرْنَ with a Tashdīd) is what is under the woman's control, and here, تَطَهَّرْنَ is performing the Ghusl. She must be pure from Hayd and perform Ghusl to consummate sexual relationship with her husband, and that is Wājib on her if her husband asks for that.

A RESPONSE TO IBN HAZM رحمه الله تعالى'S POSITION THAT SEXUAL RELATIONSHIP WITH A WIFE IS WĀJIB AFTER SHE IS PURE

And a unique issue (that doesn't really have nothing to do with our Fiqh topic) that comes to mind pertaining to this portion of the verse is that, Ibn Hazm used this portion

of the verse to indicate that sexual relationship with a wife is Wājib after she is pure, due to the order in this verse. And everyone knows Ibn Hazm is a Dhāhirī, which means a literalist.

فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ

His opinion on the verse is; Once they become pure, فَأْتُوهُنَّ (*Approach them as Allah سبحانه وتعالى ordered you.)* is an order. It means; *Once they become pure, have relationship with them as Allah سبحانه وتعالى ordered.* Because of the Dhāhirī Madhab, he took it to mean that after a woman becomes pure, it's Wājib to have relationship with her sometime after she becomes pure. And that is of course a weak opinion. We have stated so many times that, yes, the origin in an order is Wujūb unless there is a Qarīnah or a Sarif (something that drops it from Wujūb). And here, the Ulamā said the ruling in such similar scenarios is that it is not obligatory (not Wājib). It goes back to the ruling it was prior to the temporary prohibition. In this case, prior to the temporary prohibition of sexual relationship with a wife due to her Hayd, it is Sunnah/Mubāh to have relationship with the wife. Then it became temporarily Harām during her menstrual days. And now (that she is pure) there is an order to have sexual relationship with her (فَأْتُوهُنَّ). The status of that order is not Wujūb. It goes back to the ruling prior to that temporary prohibition.

Take another example that may clear it;

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانتَشِرُوا فِي الْأَرْضِ

Allah سبحانه وتعالى said about Yawmul Jumu'ah; فَانتَشِرُوا and وَابْتَغُوا. He orders one to go seek bounty after Jumu'ah. Is that Wājib? Do you have to go perform your Jumu'ah then run to the market and make money and seek bounty?

Before Jumu'ah it was Sunnah/Mubāh to seek bounty. Jumu'ah made it a temporary Harām to go seek bounty. (Because) It is going occupy you from Salātul Jumu'ah. You have to drop everything, go attend Salātul Jumu'ah. Then there's an order فَانتَشِرُوا and وَابْتَغُوا.

The ruling in that order goes back to what it was prior to the prohibition. Seeking bounty was Sunnah or permissible prior to Jumu'ah. Seeking bounty became Harām during Jumu'ah. Then there was an order to seek bounty after Jumu'ah. The ruling in that order goes back to the original status of what it was before the prohibition, which is Sunnah or Mubāh.

Having relationship with the wife is overall Sunnah/permissible/Mubāh. It became prohibited due to the Hayd. Then there's an order (فَأْتُوهُنَّ) to have relationship with them.

The ruling in that order goes back to the original status of whatever it was prior to the prohibition.

Similar to that is;

وَإِذَا حَلَلْتُمْ فَاصْطَادُوا

When you go to pilgrimage and you completed it, go hunt.

It doesn't mean it's Wājib, that you have to finish your Umrah or your Hajj and go hunt it as an order. The order is generally for Wujūb. But in such context like this, it is diverted to what it was prior to that temporary prohibition.

Similar to that is in the verse;

فَإِذَا انسَلَخَ الْأَشْهُرُ الْحُرُمُ فَاقْتُلُوا الْمُشْرِكِينَ

And there are other rationales that support this that were mentioned by the Ulamā of Usūl.

PROOF FROM THE SUNNAH

We took proof from the Qur'an that the Ghusl from Hayd is Wājib. There is proof From the Sunnah as well;

HADĪTH FĀTIMAH BINT ABI HUBAYSH رضى الله عنها .

She asked the Messenger ﷺ about her consistent, persistent bleeding and the fact that she did not become clean.

أَنَّ فَاطِمَةَ بِنْتَ أَبِي حُبَيْشٍ، سَأَلَتِ النَّبِيَّ ﷺ قَالَتْ إِنِّي أُسْتَحَاضُ فَلاَ أَطْهُرُ، أَفَأَدَعُ الصَّلاَةَ

She was asking what she should do about her Salāh. The Messenger ﷺ gave her the ruling and he said,

وَلَكِنْ دَعِي الصَّلاَةَ قَدْرَ الأَيَّامِ الَّتِي كُنْتِ تَحِيضِينَ فِيهَا

He told her not to pray equivalent to the days that she normally gets her Hayd in. Then he said,

ثُمَّ اغْتَسِلِي وَصَلِّي

That is the point that we mentioned this Hadīth for. He said; "*Perform your Ghusl and then make Salāh".* اغْتَسِلِي is an order. And we said the Asl as of an order is that it's for Wujūb. And there's nothing here to deter it from Wujūb.

HADĪTH UMMU HABĪBAH BINT JAHSH رضى الله عنها .

And similar to that is a Hadīth of Aisha رضي الله عنها in Sunan An Nasāī;

عَنْ عَائِشَةَ، قَالَتِ اسْتُحِيضَتْ أُمُّ حَبِيبَةَ بِنْتُ جَحْشٍ سَبْعَ سِنِينَ فَاشْتَكَتْ ذَلِكَ إِلَى رَسُولِ اللَّهِ

صلى الله عليه وسلم

That, Ummu Habībah bint Jahsh suffered from Isthihādah (the non-menstrual bleeding). She suffered from it for seven years. And she complained to the Messenger ﷺ about that, to know its ruling.

And the Messenger ﷺ told her;

إِنَّ هَذِهِ لَيْسَتْ بِالْحَيْضَةِ، وَلَكِنْ هَذَا عِرْقٌ فَاغْتَسِلِي ثُمَّ صَلِّي

That is not menstruation. It is bleeding from a vein. Perform Ghusl, then make your Salāh.

The point is, like the previous Hadīth, he ordered her to do Ghusl.

ADDITIONAL PROOF; IJMĀ'

There is also additional proof from Ijmā'. Ijmā' has been related by al-Nawawi, Ibn Jarir, Ibn Hazm, Ibn Qudamah and others. They related an Ijmā'; that a woman who becomes pure from Haydh must perform Ghusl.

It's a very simple, clear matter.

THE FIFTH CAUSE OF GHUSL: (وَالنِّفَاسُ) POSTNATAL BLEEDING

And just like it is the next cause of Ghusl that the author mentions. The fifth cause of Ghusl that he mentions is bleeding after childbirth/Postnatal bleeding.

وَالنِّفَاسُ

NIFĀS IS VERY SIMILAR TO HAYDH IN ITS RULINGS.

An Nifās is very similar to Haydh in its rulings. In fact, in Sahīh al-Bukhāri, when Aisha was on a trip with the Messenger ﷺ to go perform Hajj, and she got her Haydh, in that Hadīth, the Messenger ﷺ referred to Haydh. in the Arabic term that's used for postnatal bleeding.

On that journey to Hajj, the Messenger ﷺ asked Aisha رضي الله عنها why she was crying. And Aisha رضي الله عنها said; "I wish I didn't perform Hajj this year". The Messenger ﷺ understood what she was referring to. He understood what was bothering her. So he said, *"Perhaps you got your Nifās."* The Messenger ﷺ didn't say, "Perhaps you got your Haydh," which is the term for menstruation. He said;

لَعَلَّكِ نُفِسْتِ

The Messenger ﷺ referred to Haydh (menstruation), by using the term for postnatal bleeding, which is النفاس. Haydh and Nifās are very close in their rulings, that the term النفاس (postnatal bleeding) it's among the terms that's used also for menstruation, just as it's used for postnatal bleeding.

Take this rule;

النفاس كالحيض في أحكامه، حكمه حكم الحيض فيما يَحِلُّ ويَحْرُمُ ويَجِبُ ويَسْقُطُ به

What is Harām in Haydh, is Harām in Nifās. What is permissible in Haydh, is permissible in Nifās. What is Wājib in Haydh, is Wājib in Nifās. What is dropped or dismissed in Haydh, is dropped in Nifās.

For example, a woman on her Haydh can't perform Salāh and fasting and she can't have sexual intercourse. And likewise, a woman on her postnatal bleeding (An Nifās) can't do those things. A woman who is on her Haydh must make up fasting, but not Salāh. And likewise, a woman who finishes her postnatal bleeding, she must make up the fasting, not the Salāh. What is permissible between a husband and a wife during Haydh is the same rule for a woman who is on her Nifās and so on.

Some Ulamā had mentioned that the blood of the Nifās is blood of Haydh that accumulated due to the pregnancy, and then it began to discharge after the pregnancy, so it takes the same ruling of the Haydh.

Ibn Qudama, Ibn Rajab, Ibn Rushd, Ibn Hazm and other Ulamā not only mentioned that the ruling of Haydh applies to Nifās, but they related that there was no dispute and an Ijmā' on that. And for our purposes here, a woman who is pure from Haydh must perform Ghusl, as we stated in the previous cause of Ghusl. And likewise, here in this cause, a woman who became pure from her Nifās must perform Ghusl as well. There is an Ijmā' and no dispute that it is Wājib upon a woman to perform Ghusl after the bleeding from childbirth has stopped.

THERE IS FLEXIBILITY IN ITS TIMING FOR GHUSL FROM HAYDH, NIFĀS AND JANĀBAH

The Ghusl from Haydh, like the Ghusl from bleeding after childbirth, is similar to the Ghusl from Janābah and what we said about it, in that it is flexible in its timing. Unless there is another factor, like the Salāh time comes up, or if a woman for example, is asked to have a relationship by her husband. But there's flexibility in its timing.

THE SIXTH CAUSE OF GHUSL: (وَالْمَوْتُ) DEATH

Now we'll move on to the final cause of Ghusl that the author mentioned, and that final cause of Ghusl is the sixth one;

وَالْمَوْتُ

Death.

"Death" here means Ghusl of one who dies. And of course, the Wujūb here is not on the person who died, since he's dead and there's no longer Taklīf upon him, but the Wujūb is on the Muslims.

FIRST OPNION: GHUSL OF A DEAD MUSLIM IS WĀJIB.

And the first opinion on this matter is the opinion of the four Madhab, that the Ghusl of a dead Muslim is Wājib. It is the opinion of the Hanafiyyah, Shāfi'iyyah, Hanābilah, and some of the Mālikiyyah. (The Mālikiyyah were split on this matter, some adopted the opinion like this one here, that it is Wājib, and others -that we are going to take in a second إن شاء الله- said it's Sunnah.). And it is a Fard Kifāyah (communal obligation).

PROOF: HADĪTH UMMU 'ATIYYAH رضي الله عنها

The proof on that is Hadīth Ummu 'Atiyyah in Sahīh al-Bukhāri. When the Messenger ﷺ's daughter died he said;

اغْسِلْنَهَا بِالسِّدْرِ وِتْرًا ثَلاَثًا أَوْ خَمْسًا أَوْ أَكْثَرَ مِنْ ذَلِكَ إِنْ رَأَيْتُنَّ ذَلِكَ

The Messenger ﷺ, told those performing Ghusl over his daughter, "*Wash her with Sidr*" meaning with Sidr in water.

وِتْرًا

Witra means odd numbers. Three, five, or more.

إِنْ رَأَيْتُنَّ ذَلِكَ

"If you deem that necessary / If you need to."

How is that proof? The Messenger, ﷺ, said,

اغْسِلْنَهَا

"Wash her."

That's an order from the Messenger, ﷺ. And we mentioned many times today, and in previous classes, the Asl in the order of the Messenger ﷺ is that it is Wājib unless there is a Sarif or a Qarīnah to deter it from that.

PROOF: HADĪTH ABOUT A MAN WHO WAS STANDING IN ARAFAT, AND HE FELL DOWN FROM HIS CAMEL.

Also, additional proof on that is another Hadīth in Sahīh al-Bukhāri, the story of a man who was standing in Arafat, and he fell down from his camel. And the Hadīth said,

فَأَوْقَصَتْهُ ، فَوَقَصَتْهُ ، فَأَقْعَصَتْهُ

These terms mean, *he fell off his camel, and he snapped or broke his neck.* And the Messenger, ﷺ, said;

اغْسِلُوهُ بِمَاءٍ وَسِدْرٍ ، وَكَفِّنُوهُ فِي ثَوْبَيْنِ ، وَلا تُحَنِّطُوهُ ، وَلا تُخَمِّرُوا رَأْسَهُ

(اغْسِلُوهُ) Wash him (بِمَاءٍ وَسِدْرٍ) with water and Sidr and shroud him with two pieces of clothes. And don't put perfume on him and don't cover his head.

What is our point here? The Messenger, ﷺ, said, (اغْسِلُوهُ), just like he said about his daughter in the previous Hadīth (اغْسِلْنَهَا)

اغْسِلُوهُ

Wash him.

Which means it is an order, and the order is for Wujūb. An Nawawī went as far as relating an Ijmā' on this matter that washing a deceased Muslim is Fard Kifāyah. Ibn Hajar denied that there was an Ijmā'. He agreed with the opinion (that it is Wājib) but denied that there was an Ijmā', due to the dispute of some of the Mālikiyyah on this matter.

ADDITIONAL PROOF:

More proof is that the Messenger ﷺ was washed. And he ordered it on Sahābah and ordered it on his daughter. And Abu Bakr رضي الله عنه was washed. And it was a matter or a concept inherited generation after generation in the best generations. In fact, it has never been related that someone from the earlier generations died and was not washed other than the Shuhadā.

Some use weak Ahādīth to show that Ghusl is Wājib. They substantiate it with additional Ahādīth that are weak. There is no need for them. There is sufficient authentic Ahādīth to show that.

For example, some mentioned the supposed Hadīth that the right of a Muslim over another is six (some say it is eight). And one of the six or eight is that you wash him if he dies. That is not authentic. What is authentic is a Muslim has six duties or rights towards another Muslim. And one of them is following the Janāzah to the grave. None of the six in what is authentic is washing the deceased Muslim. And there are also other weak Ahādīth that some use. There is no need for them, as I said.

SECOND OPNION: GHUSL OF A DEAD MUSLIM IS SUNNAH.

The second opinion is the opinion of some of the Mālikiyyah. They said that it is Sunnah not Wājib. What is their proof?

PROOF: HADĪTH UMMU 'ATIYYAH رضي الله عنها

Their proof centers around Hadīth Ummu 'Atiyyah. This is the Hadīth, the first opinion used, and they used this Hadīth here as proof as well.

The Messenger ﷺ told them about his daughter.

اغْسِلْنَهَا بِالسِّدْرِ وِتْرًا ثَلاَثًا أَوْ خَمْسًا أَوْ أَكْثَرَ مِنْ ذَلِكَ إِنْ رَأَيْتُنَّ ذَلِكَ

So the Messenger ﷺ said to wash his daughter with Sidr,

وِتْرًا

meaning an odd number of times. Three or five or more if you need to/ if you see that/ if you deem it necessary.

The first opinion who said it's Wājib, used the first term of the Hadīth;

اغْسِلْنَهَا

"Wash her"

That was their proof. That is an order, and an order entails Wujūb.

The Mālikiyyah here (who say it is Sunnah) use the last portion of the sentence;

إِنْ رَأَيْتُنَّ ذَلِكَ

If you deem it fit / if you think it's necessary / if you want to.

They said (إِنْ رَأَيْتُنَّ ذَلِكَ) refers to the washing itself and the number of times that she is washed. If you want to wash her, wash her and also it is your choice on the number of times she's washed.

The majority opinion, the first opinion accurately said (إِنْ رَأَيْتُنَّ ذَلِكَ) refers to the last-mentioned matter, which is the number of times being washed over, not the washing itself. (The saying) "*If you deem it fit / if you deem it necessary / if you want to,"* gave them the discretion to go over three times, and it is not about the washing itself.

THE RĀJIH: IT'S WĀJIB.

The Rājih is that it's Wājib because the Hadīth clearly order it and it was consistently performed on those who died in the earlier generations, except for the Shuhadā.

It is preparing the dead person to meet the angels. (إِنْ رَأَيْتُنَّ ذَلِكَ) refers to the number of washes. It gives them the discretion over three, not the actual washing itself.

Now this obligation of washing the dead person applies to the Muslims. It applies to Muslims who have remains, even if it is not the full body. Someone who may have lost limbs and still has a portion of the body, that portion of the body is washed.

A SHAHĪD IS EXCLUDED FROM BEING WASHED, BUT IT IS NOT EVERY SHAHĪD.

A Shahīd is excluded from being washed, but it is not every Shahīd. The Shahīd that is excluded from being washed is a specialty only to the Shahīd who dies in the battlefield fighting the Kuffār. Those who fall under the broader term of Shahīd, like those specified for example in the Hadīth in Sahīh al-Bukhāri;

عَنْ أَبِي هُرَيْرَةَ (رضى الله عنه) أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ " الشُّهَدَاءُ خَمْسَةٌ الْمَطْعُونُ، وَالْمَبْطُونُ، وَالْغَرِقُ وَصَاحِبُ الْهَدْمِ، وَالشَّهِيدُ فِي سَبِيلِ اللَّهِ

Those who die from a plague or abdominal diseases or drowning or a wall falling on them.

They are referred to as martyrs, but they don't get the specialty of not being washed.

There is a Hadīth in Sahīh al-Bukhāri and another similar to it in Sahīh Muslim, Hadīth Samurah رضي الله عنه, where he said:

صَلَّيْتُ وَرَاءَ النَّبِيِّ ﷺ عَلَى امْرَأَةٍ مَاتَتْ فِي نِفَاسِهَا

I offered Salāt al-Janāzah behind the Prophet ﷺ on a woman who had died because of her Nifās.

The Messenger ﷺ offered Salāh on a woman who died from her Nifās, and she is among those who are considered among the Shuhadā. Not being washed is only a specialty of those who died in the battlefield.

The correct opinion, and it is the opinion of the four mazahib, is that a Shahīd is not washed. And that is because of Hadīth Jābir رضي الله عنه about those who died in the battle of Uhud:

أَمَرَ بِدَفْنِهِمْ فِي دِمَائِهِمْ، وَلَمْ يُغَسَّلُوا وَلَمْ يُصَلَّ عَلَيْهِمْ

He ordered those who were killed in the battle of Uhud to be buried with their blood on their bodies and that they not be washed and no Janāzah was performed upon them.

Among the wisdom some drew from that is, the effect of the Shahādah will remain on them as an honor for them. Messengers and Prophets who are most definitely better than the Shuhadā are washed. Shuhadā are not washed. The honor of the Messengers and Prophets is established and known. They don't need this specialty to be honored. They were already honored prior to the Ghusl and without the Ghusl. A Martyr's honors become apparent by not being washed. So the effects will remain on him. It is like the honor that they will attain on Yawmul Qiyāmah. Their wounds will be fresh like the time when they were first afflicted with it. The blood will be flowing from them like when they were first wounded. The color will be the color of blood, and the smell will be the smell

of musk. A Shahīd is exempted from Ghusl, and he is the Shahīd who dies in the battlefield fighting the kuffār.

If someone, for example, is wounded and then he is taken to his house or his city, and some time after that he dies, the correct view on that is that he is washed.

Another stipulation is that he dies from the wounds sustained while fighting the kuffār. For example, if someone goes to the battlefield and dies from a sudden heart attack, he should be washed.

SOME ISSUES PERTAINING TO MISCARRIAGES.

Another issue pertains to miscarriages. And I can summarize that in three points;

1. According to Al Mawardi, Al Kāsānī and Ibn Qudāmā, it is by Ijmā' that, if an infant comes out alive and lets out a cry and then dies, Ghusl must be performed.
2. An Nawawī and Ibn Qudāmā and some others related an Ijmā', that if the miscarriage is short of four months, and he (the infant) comes out dead, Ghusl on the infant is not Wājib.
3. According to As Shāfi'iyyah and the Hanābilah, if the pregnancy reaches four months or more, and there is a miscarriage after the four months, even if the infant doesn't make a sound and he comes out dead, he must be washed and he takes the ruling of the infant that comes out alive. They said he should be washed if there was a miscarriage after four months, even if there is no cry, because the soul has been blown into him.

We stop here.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم

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